

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

CLEAN HARBORS ENVIRONMENTAL
SERVICES, INC.,

Plaintiff,

v.

MARK BONNEMA, et al.,

Defendants.

)
) Case No.:
)
) REMOVED FROM NEW MADRID COUNTY,
) MISSOURI, CIRCUIT COURT CASE 20NM-
) CV00615
)
) **JURY TRIAL DEMANDED**
)

DEFENDANT PAR LOGISTICS, LLC'S
NOTICE OF REMOVAL

Defendant Par Logistics, LLC ("Defendant") hereby removes this case from the Circuit Court of New Madrid County, Missouri to this Court pursuant to 28 U.S. C. 1332(a) and 1441(b) based on diversity of citizenship. Defendant states the following in support of its notice for removal:

I. Background, Jurisdiction, and Venue

1. This is a case arising out of a motor vehicle collision that allegedly occurred on or about August 14, 2019. A copy of Plaintiff's Petition is attached as **Exhibit 1**.
2. Plaintiff claims that Defendant Mark Bonnema was an agent acting under the dispatch of Defendant Par Logistics, LLC while operating a tractor trailer in interstate commerce in New Madrid County, Missouri.
3. Plaintiff alleges that a tractor trailer operated by one of Plaintiff's agents, Bruce Page, was struck from behind by the tractor trailer operated by Defendant Mark Bonnema, acting under the dispatch of Defendant Par Logistics.
4. Plaintiff further alleges that the impact forced the tractor trailer driven by Plaintiff's agent, Bruce Page, into the rear of a tractor trailer driven by Muhammed Arshad.

5. Plaintiff brought an action in New Madrid County, Missouri against Defendants Par Logistics, LLC and Mark Bonnema.
6. Removal is proper because diversity of citizenship exists between the Plaintiff and all Defendants.
7. Venue is proper with this Court because the Circuit Court of New Madrid County, Missouri is within the Eastern District of Missouri.

II. Diversity of Citizenship

8. Plaintiff Clean Harbors Environmental Services, Inc. is incorporated under the laws of the State of Massachusetts. Plaintiff is a Massachusetts citizen.
9. Defendant Par Logistics, LLC is a Michigan limited liability company. Keith Estelle is the sole member of Par Logistics, LLC. Keith Estelle is a citizen of the state of Florida.
10. Defendant Mark Bonnema is a citizen of the state of Michigan.
11. Therefore, diversity exists among Plaintiff and Defendants in this case.

III. Amount in Controversy

12. The amount in controversy requirement of 28 U.S.C. 1332 is satisfied in this case. In order to satisfy the requirement, the removing party must show only that the claims “could, that is might,” exceed \$75,000. *See James Neff Kramper Family Farm P’ship v. IBP, Inc.*, 393 F.3d 828, 831 (8th Cir. 2005). The question “is not whether the damages **are** greater than the requisite amount, but whether a fact finder **might** legally conclude that they are.” *Bell v. Hershey Co.*, 557 F.3d 953, 959 (8th Cir. 2009) (emphasis in original).

13. In this case, Plaintiff alleges general damages “in an amount that is fair and reasonable, including costs and interest.” Plaintiff’s damages could likely exceed \$75,000.

14. Following a request from Defendant’s counsel, Plaintiff’s counsel indicated that Plaintiff would not stipulate that Plaintiff’s damages are less than \$75,000.

IV. Procedural Requirements

15. This removal is timely under 28 U.S.C. § 1446(b)(1).

16. Defendant Mark Bonnema was first served with a copy of Plaintiff’s Petition by mail on or about November 24, 2020. (A copy of the pleadings and process served on Defendant Mark Bonnema is attached as **Exhibit 2**).

17. Defendant Par Logistics, LLC was served by mail on or about December 21, 2020. (A copy of the pleadings and process mailed to Defendant Par Logistics, LLC is attached as **Exhibit 3**).

18. Removal is timely in this case because the filing comes within 30 days after Defendant Par Logistics, LLC was served. *Marano Enterprises of Kansas v. Z-Teca Restaurants, L.P.*, 254 F.3d 753, 757 (8th Cir. 2001).

19. Defendant Mark Bonnema consents to removal in this case. A copy of Defendant Mark Bonnema’s consent is attached as **Exhibit 4**. Mark Bonnema filed an Answer on December 24, 2020. A copy is attached as **Exhibit 5**.

20. Removal is timely and the other defendant's consent is proper in this case because this filing comes within 30 days after Defendant Par Logistics, LLC was served. *Marano Enterprises of Kansas v. Z-Teca Restaurants, L.P.*, 254 F.3d 753, 757 (8th Cir. 2001) (holding that "the later-served defendants in this case had thirty days from the date of

service on them to file a notice of removal with the unanimous consent of their co-defendants, even though the first served co-defendants did not file a notice of removal within thirty days of service on them.").

21. Contemporaneously with the filing of this notice, Defendant shall give written notice of it to Plaintiff and to the clerk of the Circuit Court for New Madrid County, Missouri, pursuant to 28 U.S.C. 1446(d). A copy of this notice is attached as **Exhibit 6**.

WHEREFORE, Defendant Par Logistics, LLC respectfully requests that this action be removed from the Circuit Court in New Madrid County, Missouri to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,

SEGAL, MCCAMBRIDGE, SINGER & MAHONEY, LTD.

/s/ Erin N. Pfirman

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CERTIFICATE OF SERVICE

I hereby certify the on the 19th day of January, 2021, I electronically filed the above and foregoing with the CM/ECF System, which will send notice of electronic filing to all counsel of record and I have sent a copy of the foregoing via email to the following counsel of record:

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/s/ Erin N. Pfirrmann
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